



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN  
 PAUL TELLER, EXECUTIVE DIRECTOR  
 424 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

**Legislative Bulletin.....November 29, 2010**

**Contents:**

- H.R. 5877** - To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building"
- H.Res. 771** - Supporting the goals and ideals of a National Mesothelioma Awareness Day
- S. 806** - Federal Executive Board Authorization Act of 2009
- H.R. 6392** - To designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building"
- H.Res. 1622** - Honoring the historic contributions of veterans throughout all conflicts involving the United States
- H.R. 5953** - To direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights
- H.Res. 1644** - Expressing support for designation of a "National Veterans History Project Week"
- H.R. 5866** - Nuclear Energy Research and Development Act of 2010

**H.R. 5877 - To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building" (*Capuano, D-MA*)**

**Order of Business:** The legislation is scheduled to be considered on Monday, November 29, 2010, under a motion to suspension of the rules and pass the bill.

**Summary:** H.R. 5877 would designate the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

**Additional Information:** Marine Lance Corporal Arredondo was from Randolph, Massachusetts, and was killed on August 25<sup>th</sup>, 2004, during Operation Iraqi Freedom. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), I Marine Expeditionary Force, Marine Corps Base Camp Pendleton, California.

**Committee Action:** H.R. 5877 was introduced on July 27, 2010, and was referred to the House Oversight and Government Reform Committee, which held a markup and passed the legislation.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---

## **H.Res. 771 - Supporting the goals and ideals of a National Mesothelioma Awareness Day (*McCollum, D-MN*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 771 resolves that the House of Representatives:

- “Supports the goals and ideals of Mesothelioma Awareness Day; and
- “Urges the President to issue a proclamation calling on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to annually observe a National Mesothelioma Awareness day with appropriate ceremonies and activities.”

This resolution contains a number of findings, including:

- “Mesothelioma is a terminal, asbestos-related cancer that affects the linings of the lungs, abdomen, heart, or testicles;
- “Asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975 and asbestos is still on the United States market in over 3,000 products;
- “For decades, the need to develop treatments for mesothelioma was overlooked and today, even the best available treatments usually have only a very limited effect and the expected survival time of those diagnosed with the disease is between 8 and 14 months;

- “It is believed that many of the firefighters, police officers, and rescue workers from Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future; and
- “Cities and localities across the country are recognizing September 26 as Mesothelioma Awareness Day.”

**Committee Action:** H.Res. 771 was introduced on September 24, 2009, and was referred to the House Oversight and Government Reform Committee, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report stating constitutional authority is unavailable.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---

## **S. 806 - Federal Executive Board Authorization Act of 2009 (Sen. Voinovich, R-OH)**

**Order of Business:** The legislation is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** S. 806 establishes multiple interagency Federal Executive Boards, under the Director of the Office of Personnel Management (OPM), through the United States. These Boards would be located outside of Washington, D.C., in various cities with high concentrations of federal employees. Its purpose would be to act as a middle-man or go-between between the federal government, and the local federal agencies.

This legislation authorizes the Director of OPM to establish a fund for financing Federal Executive Board functions. Agencies that participate in the Federal Executive Boards will be required to make contributions to the fund.

A report would be required from the Director of OPM within 60 days of enactment. The report would be sent to the Senate Committee on Homeland Security and Governmental Affairs, and the House Oversight and Government Reform Committee.

**Additional Information:** Federal Executive Boards are already in existence [in multiple cities](#), and were established by a Presidential Directive in 1961. Federal Executive Boards receive no specific appropriation but are funded by their local host agency or department. CBO states that in total, the program cost about \$6 million in 2009.

S. 806 would establish statutory authority for these Boards, and would change the way the boards are administered and funded. This legislation would also create agency-wide staffing and reporting requirements.

**Conservative Concerns:** Some conservatives might be concerned that this legislation would cost about \$2 million in 2010 and \$16 million over the 2010-2015 period, assuming appropriation of the necessary amounts, and is not offset with reductions to existing authorized spending. The legislation also *mandates* that federal agencies outside of D.C. fund these boards, whether or not the agency finds them beneficial. OPM would be allowed to establish additional boards through the US, and set staffing requirements. OPM would also dictate what the agencies would have to contribute in order to fund these boards. This could result in an increase of appropriations in order to fill the gap, or the agency would have to redirect funding and not spend in another area.

**Committee Action:** S. 806 was introduced on April 2, 2009, and referred to the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, which held a markup and passed the bill. The legislation passed the Senate on November 5, 2009, by unanimous consent. The legislation was then referred to the House Oversight and Government Reform Committee, where a markup was held on April 14, 2010, and the legislation was reported by voice vote.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** CBO estimates that implementing S. 806 would cost about \$2 million in 2010 and \$16 million over the 2010-2015 period, assuming appropriation of the necessary amounts. In addition, the legislation could affect discretionary spending by the Social Security Administration. CBO estimates that any increase would be less than \$500,000 in any year and over the 2010-2015 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation would establish statutory authority for Federal Executive Boards under the OPM.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** [Senate Report 111-077](#) offers no explanation of Constitutional Authority.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---

**H.R. 6392 - To designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building" (Wolf, R-VA)**

**Order of Business:** The legislation is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6392 would establish the U.S. Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office."

**Additional Information:** Colonel George Juskalian joined the United States Army in 1939, and served his country during in World War II. He continued to serve for three decades, as a battalion commander in combat in Korea (1952-53) and a military advisor to the Vietnam Army under combat conditions (1963-64). He was also assigned as General Eisenhower's secretariat in the Pentagon (1945-48) and advisor to the Imperial Iranian Army in Tehran (1957-58). He passed away on July 4, 2010 at the age of 96.

**Committee Action:** H.R. 6392 was introduced on September 29, 2010, and referred to the House Oversight and Government Reform Committee, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's

no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

## **H.Res. 1622 - Honoring the historic contributions of veterans throughout all conflicts involving the United States (*Baca, D-CA*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1622 resolves that the House of Representatives:

- “Recognizes and honors the courage, service, and sacrifice of all veterans and their historic contributions to the United States;
- “Encourages the people of the United States to demonstrate their support for Veterans Day each year by treating that day as a special day of reflection;
- “Encourages schools and teachers to educate students on the historic contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and
- “Requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to recognize the historic contribution of all veterans by observing that day with appropriate ceremonies and activities.”

This resolution contains a number of findings, including:

- “United States veterans past and present have served the Nation in times of peace and war at great personal sacrifice for both themselves and their families;
- “Historic contributions include involvement in the Revolutionary War, War of 1812, Eastern Indian Wars, Mexican War, Civil War, Western Indian Wars, Spanish-American War, World War I, World War II, Korean War, Vietnam Conflict, Lebanon crisis of 1958, Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, and other conflicts;
- “The observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust; and
- “As the Nation reaffirms its obligation to provide veterans and their families with the essential support they were promised and have earned.”

**Committee Action:** H.Res. 1622 was introduced on September 15, 2010, and was referred to the House Veterans' Affairs Committee, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report stating constitutional authority is unavailable.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---

**H.R. 5953 — To direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights (*Filner, D-CA*)**

**Order of Business:** The legislation is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5953 would require the Secretary of Veterans Affairs to ensure that the Women Veterans Bill of Rights is displayed in each facility of the Department. Additionally, the Manager's Amendment would include language from H.R. 5428, which would require the Injured and Amputee Veterans Bill of Rights to be displayed in each prosthetics and orthotics clinic of the VA. The bill would require all employees of VA to receive training on the new Bills of Rights as well as ensure that the Bills of Rights are distributed widely to women veterans and injured and amputee veterans.

The Women Veterans Bill of Rights is a sign stating that women veterans should have a list of the following 24 rights:

- “The right to a coordinated, comprehensive, primary women's health care, at every Department of Veterans Affairs medical facility, including the recognized models of best practices, systems, and structures for care delivery that ensure that every woman veteran has access to a Department of Veterans Affairs primary care provider who

can meet all her primary care needs, including gender-specific, acute and chronic illness, preventive, and mental health care;

- “The right to be treated with dignity and respect at all Department of Veterans Affairs facilities;
- “The right to innovation in care delivery promoted and incentivized by the Veterans Health Administration to support local best practices fitted to the particular configuration and women veteran population;
- “The right to request and get treatment by clinicians with specific training and experience in women's health issues;
- “The right to enhanced capabilities of medical providers, clinical support, non-clinical, and administrative, to meet the comprehensive health care needs of women veterans;
- “The right to request and expect gender equity in provision of clinical health care services;
- “The right to equal access to health care services as that of their male counterparts;
- “The right to parity to their male veteran counterpart regarding the outcome of performance measures of health care services;
- “The right to be informed, through outreach campaigns, of benefits under laws administered by the Secretary of Veterans Affairs and to be included in Department outreach materials for any benefits and service to which they are entitled;
- “The right to be featured proportionately, including by age and ethnicity, in Department outreach materials, including electronic and print media that clearly depict them as being the recipient of the benefits and services provided by the Department;
- “The right to be recognized as an important separate population in new strategic plans for service delivery within the health care system of the Department of Veterans Affairs;
- “The right to equal consideration in hiring and employment for any job to which they apply;
- “The right to equal consideration in securing Federal contracts;
- “The right to equal access and accommodations in homeless programs that will meet their unique family needs;
- “The right to have their claims adjudicated equally, fairly, and accurately without bias or disparate treatment;
- “The right to have their military sexual trauma and other injuries compensated in a way that reflects the level of trauma sustained;
- “The right to expect that all veteran service officers, especially those who are trained by the Department of Veterans Affairs Training Responsibility Involvement Preparation program for claims processing, are required to receive training to be aware of and sensitive to the signs of military sexual trauma, domestic violence, and personal assault;
- “The right to the availability of female personnel to assist them in the disability claims application and appellate processes of the Department;
- “The right to the availability of female compensation and pension examiners;

- “The right to expect specialized training be provided to disability rating personnel regarding military sexual trauma and gender-specific illnesses so that these claims can be adjudicated more accurately;
- “The right to expect the collection of gender-specific data on disability ratings, for the performance of longitudinal and trend analyses, and for other applicable purposes;
- “The right to a method to identify and track outcomes for all claims involving personal assault trauma, regardless of the resulting disability;
- “The right for women veterans' programs and women veteran coordinators to be measured and evaluated for performance, consistency, and accountability; and
- “The right to burial benefits under the laws administered by the Secretary of Veterans Affairs.”

The Injured and Amputee Veterans Bill of Rights is a sign stating that injured and amputee veterans should have the following 9 rights:

- “The right to access the highest quality prosthetic and orthotic care, including the right to the most appropriate technology and best qualified practitioners;
- “The right to continuity of care in the transition from the Department of Defense health program to the Department of Veterans Affairs health care system, including comparable benefits relating to prosthetic and orthotic services;
- “The right to select the practitioner that best meets their orthotic and prosthetic needs, whether or not that practitioner is an employee of the Department of Veterans Affairs, a private practitioner who has entered into a contract with the Secretary of Veterans Affairs to provide prosthetic and orthotic services, or a private practitioner with specialized expertise;
- “The right to consistent and portable health care, including the right to obtain comparable services and technology at any medical facility of the Department of Veterans Affairs across the country;
- “The right to timely and efficient prosthetic and orthotic care, including a speedy authorization process with expedited authorization available for veterans visiting from another area of the country;
- “The right to play a meaningful role in rehabilitation decisions, including the right to receive a second opinion regarding prosthetic and orthotic treatment options;
- “The right to receive appropriate treatment, including the right to receive both a primary prosthesis or orthosis and a functional spare;
- “The right to be treated with respect and dignity and have an optimal quality of life both during and after rehabilitation; and
- “The right to transition and readjust to civilian life in an honorable manner, including by having ample access to vocational rehabilitation, employment programs, and housing assistance.”

**Conservative Concerns:** H.R. 5953 raises several conservative concerns including the idea that health care and certain benefits for women veterans such as the “availability of female compensation and pension examiners” and “female personnel to assist them in the disability claims application and appellate processes” are a “right,” providing certain

additional rights to select populations within the VA, and opening up the floodgates for abortions to be performed at the VA using taxpayer dollars.

**Department of Veterans Affairs Opposed:** The VA already adheres to strict standards of patient treatment and regulations are already in place that require a comprehensive list of patient's [rights](#) for all veterans to be prominently displayed at all facilities. The VA, stated in its [testimony](#) before the House Veterans Affairs Committee, Subcommittee on Health hearing, that the "VA does not support H.R. 5428, because this legislation would confer unique rights upon a limited group of Veterans. Giving special rights to amputee patients that are not available to other enrolled Veterans would result in inconsistent and inequitable treatment among our Veteran-patients."

**Pro-life Concerns:** The Pro-Life Caucus has raised some of the following concerns with this legislation:

- The first "right" to "coordinated, comprehensive, primary women's health care" could provide a legal basis to require funding for abortion as this language would be in conflict with the funding ban in currently in place.
- The second portion of the first "right" states that a woman veteran has a right to a "primary care provider who can meet ALL her primary care needs, including **gender-specific**, acute and chronic illness, **preventive**, and mental health care." This translates to a mandate to employ abortionists at every VA health facility.
- The third "right" to "innovation in care delivery" could get into the emerging issue of "telemed abortions" through which abortion pills are dispensed without a physician present.
- The fourth "right" to "request and get treatments by clinicians with specific training and experience in women's health issues" could translate to a mandate on providing access to an abortion provider which creates a funding conflict as it implies a right to have abortion paid for by the VA.
- The fifth "right" to providers "to meet the comprehensive health care needs of women veterans" again raises concerns as to what "comprehensive" and "needs" actually mean. This could be interpreted by the courts as a right to access and have an abortion paid for through the VA.
- Finally, the sixth and seventh "rights" of "gender equity," "equal access," and "parity" may once again give rise to an abortion access and funding mandate. For the same reason, pro-life groups oppose the Equal Rights Amendment (ERA) unless abortion exclusion is added. In 1998, New Mexico's ERA, which states, "equality of rights under law shall not be denied on account of the sex of any person," was used as a [legal basis](#) for the courts to require state funded abortions through the Medicaid program. Supreme Court ruled that the ERA prohibits the state from restricting abortion differently from "medically necessary procedures" sought by men.

**Outside Groups:** The following outside groups have stated opposition to H.R. 5953:

- National Right to Life reserves the right to score
- U.S. Conference of Catholic Bishops opposes
- Family Research Council reserves the right to score
- Concerned Women for America will score

- Traditional Values Coalition opposes
- Catholic Advocate opposes
- Population Research Institute opposes
- National Black Pro-Life Union opposes
- Republican National Coalition for Life opposes

**Committee Action:** H.R. 5953 was introduced on July 29, 2010, and referred to the House Veterans' Affairs Committee, which took no public action. The Manager's Amendment includes language from H.R. 5428, introduced on May 27, 2010, and referred to the House Veterans' Affairs Committee, Subcommittee on Health, which held a hearing on September 29, 2010.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time. The legislation does require the Secretary of Veterans' Affairs to distribute the Women Veterans Bill of Rights and the Injured and Amputee Veterans Bill of Rights widely to women veterans and injured and amputee veterans respectively, which would result in increased expenditures. Additionally, there may be costs associated with implied benefits or rights to programs within VA.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill has the potential to be read by the courts as increasing access and taxpayer funding to abortion services for women veterans.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report stating constitutional authority is unavailable.

**RSC Staff Contacts:** Emily Henahan Murry, [emily.murry@mail.house.gov](mailto:emily.murry@mail.house.gov), (202) 225-9286

---

## **H.Res. 1644 - Expressing support for designation of a "National Veterans History Project Week" (*Kind, D-WI*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1644 resolves that the House of Representatives:

- “Supports the designation of a `National Veterans History Project Week';
- “Recognizes `National Veterans Awareness Week';
- “Calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and
- “Encourages local, State, and national organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of United States wartime veterans.”

This resolution contains a number of findings, including:

- “2010 marks the 10th anniversary of the establishment of the Veterans History Project by the United States Congress in order to collect and preserve the wartime stories of United States veterans;
- “Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;
- “These oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;
- “More than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress; and
- “`National Veterans Awareness Week' has been recognized by Congress in previous years.”

**Committee Action:** H.Res. 1644 was introduced on September 22, 2009, and was referred to the House Veterans' Affairs Committee, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A report from CBO was unavailable at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report stating constitutional authority is unavailable.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---

## **H.R. 5866 - Nuclear Energy Research and Development Act of 2010 (Gordon, D-TN)**

**Order of Business:** The bill is scheduled to be considered on Monday, November 29, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** *Authorizing \$1.29 billion over a three year period*, H.R. 5866 seeks to amend the Energy Policy Act of 2005 to modify and expand on existing nuclear research and development programs at the Department of Energy. According to CBO, the Department of Energy received a “total of nearly \$800 million for nuclear energy programs in 2010.” Specifically, the bill establishes several new objectives under the 2005 Energy Policy Act to reduce the costs of nuclear reactor systems, reduce used nuclear fuel and nuclear waste products generated by civilian nuclear energy, support technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty, and streamline the process by which nuclear power systems meet federal and state requirements and standards.

The bill requires the Secretary of Energy to submit a report to Congress within one year on state requirements and standards that impede development and commercialization of nuclear power, and how the federal government can assist in overcoming such delays or impediments.

H.R. 5866 requires the Secretary to create a new research and development program to examine advanced reactor designs and nuclear technologies that will increase efficiency, safety, and affordability. The program allows the Secretary to seek opportunities to provide international cooperation through organizations such as the Generation IV International Forum. Additionally, the bill requires the creation of a new modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs. The bill defines a small modular reactor as one with a rated capacity of less than 300 electrical megawatts, can be factory assembled and shipped as modules to a reactor plant site for assembly, and can be constructed and operated in combination with similar reactors at a single site. The Secretary must take into consideration a number of considerations for each project including cost share, design, potential to not need subsidies, capitol costs, safety, proliferation, among other issues. The bill contains a cost sharing requirement for not less than 50 percent of the costs of the small modular reactor project. Applicants to participate in the program must provide documentation that:

- all partners and suppliers that will be active in the small modular reactor project, including a description of each partner or supplier's anticipated domestic and international activities;
- measures to be undertaken to enable cost-effective implementation of the small modular reactor project;
- an accounting structure approved by the Secretary;
- all known assets that shall be contributed to satisfy the cost-sharing requirement under the bill; and
- the extent to which the proposal will increase domestic manufacturing activity, exports, or employment.

H.R. 5866 requires the creation of a Nuclear Energy Research Initiative for research and development related to steam-side improvements to nuclear power plants. The program seeks to address cooling systems, turbine technologies, heat exchangers and pump design, special coatings to improve lifetime of components and performance of heat exchangers, and advanced power conversion systems for advanced reactor technologies. The program is limited to an authorization of \$10 million.

The bill requires the Secretary to conduct a program on fuel cycle options that improve uranium resource utilization, maximize energy generation, minimize nuclear waste creation, improve safety, mitigate risk of proliferation, and improve waste management in support of a national strategy for spent nuclear fuel and the reactor concepts research, development, demonstration, and commercial application. The bill requires a Blue Ribbon Commission on America's Nuclear Future report to Congress which must include recommendations for “long-term nuclear waste solutions that will be incorporated into the plan compare with plans for a long-term nuclear waste solution of a repository at Yucca Mountain, that may or may not be incorporated into the plan, with regard to the safety, security, legal, cost, and technological and site readiness factors associated with any recommendations related to final disposition pathways for spent nuclear fuel and high-level radioactive waste to the same factors associated with permanent deep geological disposal at the Yucca Mountain waste repository.”

The bill requires the Secretary to conduct a program to support the integration of activities undertaken through the reactor concepts research and the fuel cycle research and development program and support crosscutting nuclear energy concepts.

The bill requires a report summarizing the quantitative risks associated with the potential of a severe accident arising from the use of civilian nuclear energy technology, including reactor technology likely to be deployed and outlining the technologies currently available to mitigate the consequences an accident. The Comptroller General is also required to submit to Congress a report providing a status update of the Next Generation Nuclear Plant program.

Finally, the bill requires the Director of the National Institute of Standards and Technology to establish a nuclear energy standards committee to facilitate the development or revision of technical standards for new and existing nuclear power plants

and advanced nuclear technologies consistent with the National Technology Transfer and Advancement Act of 1995. The bill establishes a federal database of non-federal user facilities receiving federal funds that may be used for unclassified nuclear energy research and making it accessible on the Department of Energy's website. The bill also reiterates that in accordance with federal law, it is the Department of Energy's responsibility for disposal of high-level radioactive waste or spent nuclear fuel generated by reactors under the programs authorized under H.R. 5866.

**Additional Background:** 104 nuclear reactors produce approximately 20 percent of our nation's electricity supply and 70 percent of our emissions-free energy. Nuclear power plants generate approximately 2,000 metric tons of nuclear waste per year. Currently, the United States already contains a backlog of 63,000 tons. Additionally, capital construction costs for the construction of new nuclear power plants have dramatically increased. According to the Committee, H.R. 5866 goals are to “mitigate the problems associated with nuclear waste and reduce the capital costs of nuclear power through a robust and integrated research, development, demonstration and commercial application program.”

### ***Democrat Inconsistency Alert!***

***Swinging for the Fences:*** The Committee Report accompanying H.R. 5866 states that in order to reach the 2030 emission reduction goals under the national energy tax passed by House Democrats in 2009, “at least 96 gig watts of new nuclear capacity would be needed.” While some of the programs authorized under H.R. 5866 may provide a modicum of assistance to deal with nuclear waste and capacity issues, it does very little to address the major issues surrounding nuclear capacity – the establishment of Yucca Mountain as a permanent waste depository and reforming the regulatory process to create new facilities.

***Potential Conservative Concerns:*** Some conservatives have expressed concern that authorizing approximately \$1.3 billion in new spending, during a time of 10% unemployment, for programs that may do little to help alleviate the nuclear waste, problem may be inappropriate.

**Committee Action:** On July 27, 2010, the bill was introduced and referred to the Committee on Science & Technology. On July 28, 2010, the subcommittee on Energy & Environment held a mark-up and forwarded to the bill to the full committee, as amended, by a voice vote. On November 18, 2010, the full committee reported the bill, as amended.

**Cost to Taxpayers:** According to CBO, H.R. 5866 authorizes \$1.29 billion over the 2011-2013 period. Specifically, the bill includes the authorization of \$603 million for research and development related to the nuclear fuel cycle; \$297 million for research on crosscutting nuclear technologies and efforts to integrate research on specific elements of nuclear energy; \$195 million to support efforts to design and license \$192 million for nuclear energy research and development and activities to demonstrate commercial

applications of nuclear technologies; and \$3 million for the National Institute for Standards and Technology.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill expands on several programs existing programs under the Department of Energy and creates several new programs, including a Nuclear Energy Enabling Technologies program and a Small Modular Reactor program.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** According to committee report, 111-658, H.R. 5866 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

**Constitutional Authority:** The Science & Technology committee states Article I, Section 8 grants Congress the authority to enact H.R. 5866. The committee does not cite a specific clause.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.